

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District:	
Name (under which you were convicted):			Docket or Case No.:
Place of Confinement :		Prisoner No.:	
Petitioner (include the name under which you were convicted)		Respondent (authorized person having custody of petitioner)	
v.			
The Attorney General of the State of:			

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

(b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know):

(b) Date of sentencing:

3. Length of sentence:

4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case:

6. (a) What was your plea? (Check one)

☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☐ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? ☐ Yes ☐ No

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes☐ No

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: _____
- (2) Docket or case number (if you know): _____
- (3) Date of filing (if you know): _____
- (4) Nature of the proceeding: _____
- (5) Grounds raised: _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court: _____
- (2) Docket or case number (if you know): _____
- (3) Date of filing (if you know): _____
- (4) Nature of the proceeding: _____
- (5) Grounds raised: _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

(c) Direct Appeal of Ground One:(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No(2) If you did not raise this issue in your direct appeal, explain why: _____

_____**(d) Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

_____(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

_____(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

GROUND TWO: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two : _____

GROUND THREE: _____

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: _____

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

GROUND FIVE: CRUEL AND UNUSUAL PUNISHMENT-DISPARATE SENTENCE FOR THE SAME CRIME

THE APPLICANT WAS UNFAIRLY PUNISHED FOR GOING TO TRIAL

(a) Supporting Facts: THE APPLICANT RECEIVED A 50 YEAR SENTENCE FOR THE SAME CRIME AS ACCOMPLICES CLINTIN CURTIS, DAVID PHARES, TARA WOODS, TARA MITCHELL, BRANDON CHANEY, DOS DUTTON AND BRENT BUCKALOO.

THE RECORD SHOWS THAT MOST OF THE STOLEN PROPERTY ENDED UP IN THE HANDS OF BRENT BUCKALOO, AND HE WAS NOT CHARGED.

THE RECORD SHOWS BRANDON CHANEY SCRAPPED THE STOLEN PROPERTY, AND HE WAS NOT CHARGED WITH BURGLARY. CHANEY PLED TO A WEAPONS CHARGE, AND SENTENCED TO 10 YEARS.

TARA MITCHELL TESTIFIED SHE STOLE A TOOLBOX, BURGLARY OF A BUILDING, AND WAS NOT CHARGED.

TARA WOODS, THE LOOKOUT FOR THE BURGLARY, PLED OUT, AND RECEIVED DEFERRED ADJUDICATION FOR DRUG POSSESSION. SHE WAS NOT CHARGED WITH BURGLARY.

DAVID PHARES ADMITTED TO THE BURGLARY, AND PLED OUT FOR A 10 YEAR SENTENCE. PHARES IS OUT ON PAROLE.

CLINTON CURTIS PLED OUT TO THE BURGLARY, AND HAS SEVERAL PRIOR BURGLARY CONVICTIONS. CURTIS WAS SENTENCED TO THIS BURGLARY, AND ANOTHER BURGLARY, FOR 15 YEARS. HIS SENTENCE NOT ENHANCED.

DOSS DUTTON RECEIVED STOLEN PROPERTY FROM THE BURGLARY, AND WAS NOT CHARGED.

APPLICANT WENT TO TRIAL AND THE JUDGE SENTENCED HIM TO 50 YEARS ON AN ENHANCED SENTENCE. THERE IS NO DIFFERENCE IN THE FACTS BETWEEN CLINTON CURTIS, DAVID PHARES AND APPLICANT EXCEPT THAT APPLICANT WENT TO TRIAL. THE DISPARATE SENTENCE IS CRUEL AND UNUSUAL PUNISHMENT.

(b) If you did not exhaust your state remedies on Ground Five, explain why:
RAISED IN 11.07 HABEAS CORPUS

(c) Direct Appeal of Ground Five:

(1) If you appealed from the judgment of conviction, did you raise this issue? NO

(2) If you did not raise this issue in your direct appeal, explain why: APPELATE
COUNSEL WAS INEFFECTIVE. PDR WAS PRO SE, ALSO INEFFECTIVE.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for
habeas corpus in a state trial court?

YES

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 11.07 HABEAS CORPUS

Name and location of the court where the motion or petition was filed: TEXAS
COURT OF CRIMINAL APPEALS

Docket or case number (if you know): WR-84,303-01

Date of the court's decision: 06/08/2016

Result (attach a copy of the court's opinion or order, if available): COPY
ATTACHED IN FILE FORM

(3) Did you receive a hearing on your motion or petition? NO

(4) Did you appeal from the denial of your motion or petition? NO

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the
appeal? N/A

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: THE TEXAS COURT OF CRIMINAL APPEALS IS THE HIGHEST COURT IN THE STATE.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: 11.07 HABEAS CORPUS, SEE ABOVE

GROUND SIX: TRIAL BY HEARSAY

DENIAL OF DUE PROCESS-RIGHT TO CONFRONTATION

(a) Supporting Facts: THE DALLAS COURT OF APPEALS USED TESTIMONY OF BRANDON CHANEY TO CORROBORATE THE ACCOMPLICE WITNESS TESTIMONY OF THE STATE'S WITNESSES. BRANDON CHANEY WAS AN ACCOMPLICE BY LAW, AND THIS SHOULD NOT HAVE BEEN POSSIBLE. ALSO, THE COURT CONCLUDED THAT CHANEY HEARD THE APPLICANT CONFESS TO THE CRIME. THIS IS HEARSAY BECAUSE THE COURT USES SECOND HAND TESTIMONY TO PROVE THE FACT ASSERTED.

THE COURT ALSO CONCLUDED, AND THE STATE USED THIS IN THEIR CLOSING ARGUMENT, THAT APPLICANT WAS WITH CHANEY WHEN CHANEY SCRAPPED THE STOLEN PROPERTY. THE RECORD SHOWS THAT THAT STATEMENT WAS OBJECT TO, AND SUSTAINED. THAT STATEMENT COULD BE USED FOR ANY PURPOSE BECAUSE IT WAS OBJECTED TO AS NON-REPOSNSIVE, AND SUSTAINED. IT EFFECTIVELY WAS NOT PART OF THE FACTS BEFORE THE JURY.

(a) If you did not exhaust your state remedies on Ground Six explain why:
RAISED IN 11.07 HABEAS CORPUS

(b) Direct Appeal of Ground Six:

(1) If you appealed from the judgment of conviction, did you raise this issue? NO

(2) If you did not raise this issue in your direct appeal, explain why: APPELATE COUNSEL WAS INEFFECTIVE. PDR WAS PRO SE, ALSO INEFFECTIVE.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

YES

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 11.07 HABEAS CORPUS

Name and location of the court where the motion or petition was filed: TEXAS
COURT OF CRIMINAL APPEALS

Docket or case number (if you know): WR-84,303-01

Date of the court's decision: 06/08/2016

Result (attach a copy of the court's opinion or order, if available): COPY
ATTACHED IN FILE FORM

(3) Did you receive a hearing on your motion or petition? NO

(4) Did you appeal from the denial of your motion or petition? NO

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the
appeal? N/A

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you
did not raise this issue: THE TEXAS COURT OF CRIMINAL APPEALS IS THE HIGHEST
COURT IN THE STATE.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: 11.07 HABEAS CORPUS, SEE ABOVE

GROUND SEVEN: STATES CONDUCT WAS CALCULATED TO DENY A FAIR AND IMPARTIAL TRIAL

DENIAL OF DUE PROCESS-RIGHT TO FUAIR AND IMPARTIAL TRIAL BY JURY

(a) Supporting Facts: THE STATE USED IMPROPER JURY ARGUMENT, COURTROOM TACTICS DESIGNED TO DISRUPT THE DEFENSE, STATE WITNESS PERJURY, AND DISREGARD FOR THE JUDGE’S INSTRUCTIONS TO DENY THE DEFENDANT HIS RIGHT TO DEFEND HIMSELF.

THE TRANSCRIPT SHOWS THE WORD OBJECTION 469 TIMES:

	objection	no objection
VOL 1	0	0
VOL 2	42	8
VOL 3	148	9
VOL 4	126	1
VOL 5	79	7
VOL 6	35	14
VOL 7	0	0
	430	39

39 TIMES THE JUDGE SAID “OBJECTION”, OR IT WAS “NO OBJECTION” TO AN EXHIBIT. THIS WAS NOT A LONG TRIAL. THE WITNESSES WERE CONFUSED, THE STATE ASKED THE SAME QUESTION BEFORE THE JUDGE RULED ON AN OBJECTION, BOTH ATTORNEYS OBJECTED TO THE SAME WITNESS ANSWER AT THE SAME TIME. THIS OVERLY AGGRESSIVE COURTROOM BEHAVIOR WAS EVIDENCED BY THE STATE GIVING AN ACCOUNT OF HIS MARTIAL ARTS BACKGROUND, FOR NO APPARENT REASON, TO THE JURY. SUCH CONDUCT MADE IT IMPOSSIBLE FOR THE LAYMAN JURY TO UNDERSTAND THE TESTIMONY OF SEVERAL WITNESSES. THIS CONDUCT DENIED APPLICANT DUE PROCESS AND HIS RIGHT TO A FAIR TRIAL.

(a) If you did not exhaust your state remedies on Ground Seven explain why:
RAISED IN 11.07 HABEAS CORPUS

(b) Direct Appeal of Ground Seven:

(1) If you appealed from the judgment of conviction, did you raise this issue? NO

(2) If you did not raise this issue in your direct appeal, explain why: APPELATE COUNSEL WAS INEFFECTIVE. PDR WAS PRO SE, ALSO INEFFECTIVE.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

YES

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 11.07 HABEAS CORPUS

Name and location of the court where the motion or petition was filed: TEXAS COURT OF CRIMINAL APPEALS

Docket or case number (if you know): WR-84,303-01

Date of the court's decision: 06/08/2016

Result (attach a copy of the court's opinion or order, if available): COPY ATTACHED IN FILE FORM

(3) Did you receive a hearing on your motion or petition? NO

(4) Did you appeal from the denial of your motion or petition? NO

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? N/A

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: THE TEXAS COURT OF CRIMINAL APPEALS IS THE HIGHEST COURT IN THE STATE.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: 11.07 HABEAS CORPUS, SEE ABOVE

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface. There is no handwriting or other markings on the paper.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

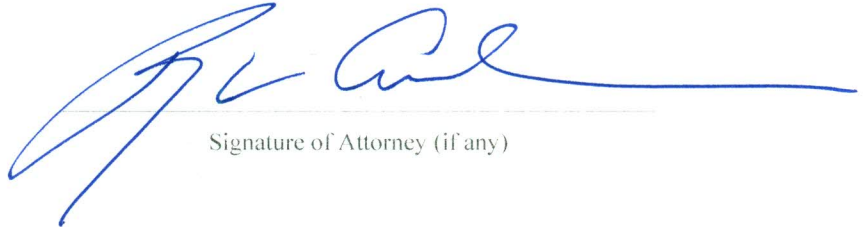
AO 241
(Rev. 01/15)

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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: THAT THE CONVICTIONS ON COUNTS 1 AND 2 BE OVERTURNED

or any other relief to which petitioner may be entitled.



Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed (signed) on _____ (date).

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

REYBURN ANDERSON IS ATTORNEY FOR PETITIONER. PETITIONER DOES NOT HAVE THE RESOURCES TO PREPARE AND FILE THIS PETITION EFFECTIVELY AS PRO SE. LEGAL RESEARCH, DOCUMENT COPIES, ONLINE CASE INFORMATION, AND FORM PREPARATION ARE COMPUTER AND INTERNET BASED.

FORM 2254

Carpenter, Jason Wallace

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11.07 Grounds:

1. The jury charge was improper.
2. The State was allowed to amend the indictment without notice, and was prohibited from such action by statute.
3. Insufficient evidence to convict.
4. Cruel and unusual punishment. Due to disparity in sentences among accomplices for the same crime.
5. The State knowingly used perjured testimony to convict.
6. Ineffective counsel at appeal.
7. Ineffective counsel at trial.
8. Accomplice witness rule violated.
9. Witness tampering by State.
10. Witnesses were given information about courtroom testimony in violation of "the rule".
11. Trial by hearsay. The Court of Appeals used hearsay testimony as proof of the matter asserted.
12. Applicant was sent to prison without a valid order in the record.
13. Lessor included offense not given in the jury charge.
14. State conduct was calculated to deny a fair and impartial trial.

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Relevant Dates:

Conviction	02.28.2014	
Notice of Appeal	03.06.2013	
Order on Appeal	07.23.2014	
PDR filed	09.16.2014	
PDR Denied	11.25.2014	
Mandate Issued	12.29.2014	Start 1 year Limitations
11.07 Filed 397 th	08.14.2015	227 Days
11.07 Filed TCCA	12.09.2015	
11.07 Denied	06.08.2016	
2254 Filed	08.01.2016	51 Days = 278 Days